

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
MITCHELL THOMPSON,	:	
	:	
Plaintiff,	:	
	:	21 Civ. 8982 (LGS)
-against-	:	
	:	<u>ORDER</u>
WARDEN CARTER, et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 20, 2022, Defendants moved to dismiss the Complaint in this case on the grounds that *pro se* Plaintiff Mitchell Thompson had not exhausted his administrative remedies;

WHEREAS, Plaintiff did not oppose Defendants' motion;

WHEREAS, in an Opinion and Order dated July 7, 2022, the Court granted Plaintiff leave to respond to Defendants' motion by filing, by July 28, 2022, a letter alleging any facts showing that administrative remedies were unavailable to him, and reserved judgment on Defendants' motion pending receipt of any supplemental submission (Dkt. No. 28);

WHEREAS, Plaintiff has not filed a supplemental submission. It is hereby

ORDERED that Defendants' motion to dismiss the Complaint is GRANTED for the reasons stated in the Opinion and Order at Dkt. No. 28. The case is dismissed without prejudice for failure to exhaust administrative remedies. In other words, Plaintiff may exhaust his administrative remedies and file a new action based on the same underlying facts if he so wishes.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 24, close the case and mail a copy of this order to the *pro se* Plaintiff.

Dated: August 4, 2022
New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE